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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 26th June, 1965/Asadha 5, 1887 (Saka)

THE DADRA AND NAGAR HAVELI VILLAGE PANCHAYATS REGULATION, 1965

No. 3 OF 1965

Promulgated by the President in the Sixteenth Year of the Republic of India.

A Regulation to provide for the establishment of Panchayats in the Union territory of Dadra and Nagar Haveli and for matters connected therewith.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Regulation may be called the Dadra and Nagar Haveli Village Panchayats Regulation, 1965.

(2) It extends to the whole of the Union territory of Dadra and Nagar Haveli.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Regulation, unless the context otherwise requires,—

(*a*) "Administrator" means the administrator of the Union territory of Dadra and Nagar Haveli appointed by the President under article 239 of the Constitution;

(*b*) "building" includes a house, outhouse, stable, privy, urinal, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other structure, whether of masonry, bricks, wood, metal or any other material, but does not include a temporary structure erected on ceremonial or festive occasion or a tent;

(*c*) "land" includes land which is built upon or covered with water;

(*d*) "notification" means a notification published in the Official Gazette;

(*e*) "octroi" means a tax on the entry of goods into the area within the jurisdiction of a Panchayat for consumption, use or sale therein;

(*f*) "Panchayat" means a Panchayat established under section 3;

(*g*) "prescribed" means prescribed by rules made under this Regulation;

(*h*) "public street" means a pathway, road, street, square, court, alley, cart track, foot-path or riding path over which the public have a right of way, whether a thoroughfare or not, and includes—

(*i*) the road-way over any public bridge or cause-way;

(*ii*) the foot-way attached to any such street, road, public bridge or cause-way;

(*iii*) the drains attached to any such street, road, public bridge or cause-way and the land which lies on either side of the road-way up to the boundaries of the adjacent property;

(*i*) "Sarpanch" and "Upa-Sarpanch" mean respectively the Sarpanch and Upa-Sarpanch of a Panchayat;

(*j*) "Schedule" means a Schedule to this Regulation;

(*k*) "tax" means a tax, cess, rate or other impost, but does not include a fee;

(*l*) "term of a Panchayat" means the period for which the members of a Panchayat shall hold office under section 22;

(*m*) "Varishta Panchayat" means the Varishta Panchayat in existence immediately before the 11th day of August, 1961, as reconstituted from time to time in accordance with this Regulation;

(*n*) "village" means any local area declared under section 3 to be a village for the purposes of this Regulation.

CHAPTER II

GRAM SABHAS—ESTABLISHMENT AND CONSTITUTION OF PANCHAYATS AND ELECTIONS

Declaration of villages and establishment of Panchayats.

3. (*1*) After making such inquiry as he thinks necessary, the Administrator may, by notification, declare any local area, comprising a village or a group of villages or any part or parts thereof or a combination of any two or more of them, to be a village for the purposes of this Regulation.

(*2*) For every village there shall be a Panchayat as from such date as the Administrator may, by notification, appoint.

Gram Sabha.

4. As from the date appointed under section 3, all persons whose names are for the time being entered as electors in the electoral roll for a village shall be deemed to constitute the Gram Sabha for that village.

Meetings of Gram Sabha.

5. (*1*) There shall be held at least two meetings of the Gram Sabha every year on such date and at such time and place as may be prescribed:

Provided that the Sarpanch shall, upon a requisition in writing by not less than one-fifth of the number of members and within thirty days of the receipt of such requisition, call an extraordinary general meeting of the Gram Sabha.

(*2*) The Sarpanch or, in his absence, the Upa-Sarpanch, or, in the absence of both, any person chosen by the Gram Sabha shall preside at such meetings.

(*3*) One-tenth of the total number of members of the Gram Sabha shall form the quorum for a meeting.

Panchayat to place certain matters before Gram Sabha.

6. (*1*) The Panchayat shall place before the Gram Sabha—

(*a*) the annual statement of accounts;

(*b*) the report on the administration of the preceding financial year;

(c) the development and other programmes of work proposed for the current financial year;

(d) the last audit report and replies made thereto;

(e) proposals for fresh taxation or enhanced taxation and any new programme not covered by clauses (a) and (c); and

(f) proposals for organising community service, voluntary labour or mobilisation of the local people for any specific work included in any programme.

(2) It shall be open to the Gram Sabha to discuss any or all of the matters placed before it under sub-section (1) and the Panchayat shall consider the suggestions, if any, made by the Gram Sabha.

(3) A Gram Sabha shall carry out such other functions as the Administrator may, by general or special order, require.

Constitution of Panchayats.

7. (1) A Panchayat shall consist of such number of members as the Administrator may, by order, determine so far as may be in accordance with the following table :—

TABLE

For a Panchayat with a population of	Number of members
(1) not more than 2,000 . . .	7 ;
(2) more than 2,000 but not more than 4,000	9 ;
(3) more than 4,000 but not more than 6,000	11 ;
(4) more than 6,000 but not more than 8,000	13 ;
(5) more than 8,000	15.

(2) All the members of a Panchayat shall be elected.

(3) Of the total number of members of a Panchayat, at least one shall be a woman and accordingly—

(a) if there is only one woman candidate at the election, she shall be declared elected;

(b) if there are more woman candidates than one at the election, the candidate who secures the largest number of votes among such woman candidates shall be declared elected.

(4) Where there is no woman candidate at the election, the male candidates duly elected or deemed under sub-section (5) to have been duly elected, shall co-opt as member a woman who is otherwise qualified to be elected as a member of the Panchayat.

(5) Subject to the provisions of sub-sections (3) and (4), if, for any reason, an election does not result in the return of the required number of qualified persons willing to take office, the Administrator shall, as soon as possible, appoint from persons qualified to be elected, such number of persons as are necessary to make up the required number, and the persons so appointed shall be deemed to have been duly elected.

Varishta Panchayat.

8. (1) The Varishta Panchayat shall consist of representatives ected by each Panchayat from among its members, in accordance with the following table :—

TABLE

For a Panchayat with a population of	Number of representatives
(1) not more than 2,000 . . .	1 ;
(2) more than 2,000 but not more than 8,000	2 ;
(3) more than 8,000	4.

(2) The functions of the Varishta Panchayat shall be those specified in the Dadra and Nagar Haveli Act, 1961.

35 of 1961.

(3) Every member of the Varishta Panchayat shall hold office as such so long as he continues to be a member of the Panchayat from which he has been elected.

(4) Any casual vacancy in the office of member of the Varishta Panchayat shall be filled in accordance with rules made under section 14 of the Dadra and Nagar Haveli Act, 1961.

35 of 1961.

Incorporation of Panchayats.

9. Every Panchayat shall, by the name specified by the Administrator in this behalf, be a body corporate having perpetual succession and a common seal and shall, subject to such restrictions and conditions imposed by or under this Regulation, have power to acquire,

hold or dispose of property, both movable and immovable, and to contract and shall by the said name sue or be sued.

Alteration in area of village.

10. (*1*) The Administrator may, after consultation with the Panchayat or Panchayats concerned, at any time by notification—

(*a*) include any area within the limits of a village, or

(*b*) exclude any area from the limits of a village, or

(*c*) declare that any village shall cease to exist by reason of its inclusion in another village or in any municipal or other local area.

(*2*) Where, by a notification under sub-section (*1*), any area is included within the limits of a village, the jurisdiction of the Panchayat established for that village shall extend to such area which shall become subject to all notifications, rules, bye-laws and orders made under this Regulation or any other law in force in that village.

(*3*) Where, by a notification under sub-section (*1*), any area is excluded from the limits of a village, the jurisdiction of the Panchayat established for that village over such area shall thereupon cease and all notifications, rules, bye-laws and orders made under this Regulation or any other law in force in that village shall cease to apply to that area.

(*4*) Where, by a notification under sub-section (*1*), a village ceases to exist, the Panchayat established for it shall stand dissolved and the assets and liabilities of the Panchayat shall be disposed of in the prescribed manner.

Qualification for membership.

11. A person shall not be qualified to be chosen as a member of a Panchayat unless his name is entered as an elector in the electoral roll for the village for which it is established.

Disqualifications for membership.

12. A person shall be disqualified for being chosen as, and for being, a member of a Panchayat if he—

(*a*) is not a citizen of India; or

(*b*) is under twenty-five years of age; or

(*c*) holds any office of profit under the Central Government, any State Government or the Panchayat or any other local authority; or

(*d*) has been dismissed on or after the eleventh August, 1961, from the service of the Government or any local authority for misconduct unless a period of five years has elapsed from such dismissal; or

(*e*) has directly or indirectly any share or monetary interest in any work done by or to the Panchayat or any contract or employment with, under or by or on behalf of the Panchayat; or

(*f*) is an undischarged insolvent; or

(*g*) is of unsound mind and stands so declared by a competent court; or

(*h*) is suffering from infectious leprosy; or

(*i*) has been convicted by a criminal court of any offence involving moral turpitude and sentenced to imprisonment for not less than six months and five years have not elapsed since his release; or

(*j*) is in arrear for such period as may be prescribed of any tax, fee or other sum due to the Panchayat.

Decision on questions as to disqualification.

13. If any question arises as to whether a member of a Panchayat has become subject to any disqualification mentioned in section 12, it shall be referred to the prescribed authority for decision and its decision thereon shall be final.

Electors and electoral rolls.

14. (*1*) Every person who is a citizen of India and not less than twenty-one years of age on the prescribed date and who is ordinarily resident in a village shall be entitled to be registered as an elector in the electoral roll for that village:

Provided that a person shall not be so entitled if he is of unsound mind and stands so declared by a competent court

Explanation.—A person shall be deemed to be ordinarily resident in a village if he has been ordinarily residing therein or is in possession of a dwelling house therein ready for occupation.

(2) The electoral roll for a village shall be prepared in accordance with such rules as may be made in this behalf by the Administrator.

Right to vote.

15. Every person whose name is, for the time being, entered in the electoral roll for a village as an elector shall be entitled to vote at the election of a member of the Panchayat for that village.

Election of members.

16. The election of members of a Panchayat shall be held in accordance with such rules as may be made in this behalf by the Administrator on such date or dates as the Administrator may, by notification, direct:

Provided that a casual vacancy shall be filled as soon as may be after the occurrence of the vacancy:

Provided further that no election shall be held to fill a casual vacancy occurring within three months prior to the general election for a Panchayat under this section:

Provided also that till the electoral roll of a village has been prepared, a casual vacancy shall be filled by co-option by the Panchayat of a person entitled to be registered as an elector in the electoral roll of the village.

Dispute as to validity of election.

17. (*1*) If the validity of an election of a member of a Panchayat is called in question by any person qualified to vote at the election to which such question relates, such person may, at any time within fifteen days after the date of declaration of the result of the election, apply to the prescribed authority in such form as may be prescribed, for the determination of such question.

(*2*) If, on receipt of an application under sub-section (*1*) and after making such inquiry as he considers necessary, the prescribed authority is satisfied—

(*a*) that any member who has been elected was on the date of election subject to any of the disqualifications mentioned in section 12, or

(*b*) that any corrupt practice has been committed by any member who has been elected or by any other person with the consent of such member, or

(c) that the result of the election, in so far as it concerns an elected member, has been materially affected—

(*i*) by any corrupt practice committed in the interest of the elected member by any person without the consent of such member, or

(*ii*) by any non-compliance with the provisions of this Regulation or any rules or orders made thereunder,

the prescribed authority shall declare the election of such member to be invalid, and such declaration shall be final:

Provided that no election of a member shall be declared invalid on the ground that such member committed a corrupt practice unless he has been given an opportunity to show cause against such declaration.

(*3*) Where the prescribed authority declares the election of any member to be invalid on the ground that he committed a corrupt practice, the prescribed authority may declare such member to be disqualified from exercising any electoral right or from being a

member of any Panchayat for such period not exceeding five years, as he may determine.

(4) A person shall be deemed to have committed a corrupt practime if he, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration or holds out any promise of individual profit or any threat of injury to any person.

Fresh elections.

18. If the prescribed authority declares the election of any member to be invalid, a fresh election to fill the vacancy so caused shall be held in accordance with the provisions of this Regulation.

Jurisdiction of civil courts in election matters barred.

19. No civil court shall have jurisdiction to question the legality of any action taken or any decision given by the prescribed authority in connection with the conduct of elections under this Regulation.

Election of Sarpanch and Upa-Sarpanch.

20. (1) At the first meeting of a Panchayat to be called on a date fixed by the Administrator after each general election, the members of a Panchayat shall elect, from amongst themselves, a Sarpanch and an Upa-Sarpanch.

(2) Such officer as may be specified in this behalf by the Administrator shall preside at such meeting but shall not have the right to vote.

(3) No business other than the election of the Sarpanch and Upa-Sarpanch shall be transacted at such meeting.

(4) In case of equality of votes, the result of the election shall be decided by lots drawn in the presence of the officer aforesaid in such manner as he may determine.

(5) In the event of a dispute arising as to the validity of the election of the Sarpanch or the Upa-Sarpanch, the dispute shall be referred to such authority as may be specified by notification by the Administrator and the decision of such authority thereon shall be final.

Sarpanch to be the executive.

21. The executive powers of the Panchayat under this Regulation and the responsibility for the due fulfilment of the duties imposed on the Panchayat under this Regulation and for carrying out the resolutions of the Panchayat shall vest in the Sarpanch:

Provided that the Sarpanch may by order delegate any of his powers under this Regulation to the Upa-Sarpanch subject to such restrictions and conditions as may be specified in the order.

Term of office of members of Panchayat.

22. (*1*) The members of a Panchayat shall hold office for a term of four years:

Provided that the Administrator may, by order in writing and for reasons to be recorded, extend the said term by a period not exceeding one year, and every such order shall be notified in the Official Gazette:

Provided further that the members of a Panchayat in existence in the Union territory of Dadra and Nagar Haveli immediately before the commencement of this Regulation shall hold office for a period of two years from such commencement.

(*2*) The term of office of the members shall be deemed to commence on the date of the first meeting of the Panchayat referred to in sub-section (*1*) of section 20.

(*3*) The term of office of outgoing members shall be deemed to extend to and expire with the date preceding the date of such meeting.

(*4*) The Sarpanch and the Upa-Sarpanch shall hold office for the term of the Panchayat including the extended term, if any:

Provided that the Sarpanch shall, after the expiry of his term, continue to carry on the current duties of his office until a new Sarpanch is elected and takes over charge.

Oath of office.

23. (*1*) As soon as may be after the first meeting of the Panchayat after each general election, every member thereof shall take the oath of office before such officer as the Administrator may specify in this behalf, in the form set out in the First Schedule.

(*2*) No member who has not taken such oath shall vote or take part in the proceedings of any meeting nor shall he be included as a member of any committee constituted by the Panchayat.

Resignation of office.

24. (*1*) Any member may resign his office by giving notice in writing to that effect to the Sarpanch, and such resignation shall take effect from the date of its receipt by the Sarpanch.

(*2*) The Upa-Sarpanch may resign his office by giving notice in writing to the Sarpanch but the resignation shall not take effect until it is accepted by the Panchayat.

(*3*) The Sarpanch may resign his office by giving notice in writing to the Administrator but the resignation shall not take effect until it is accepted by him.

Motion of no-confidence.

25. (1) A motion of no-confidence may be moved by any member of a Panchayat against the Sarpanch or the Upa-Sarpanch after giving such notice thereof as may be prescribed.

(2) If the motion is carried by a majority of not less than two-thirds of the total number of members of the Panchayat, the Sarpanch or the Upa-Sarpanch, as the case may be, shall cease to hold office after a period of three days from the date on which the motion is carried unless he has resigned earlier.

(3) Notwithstanding anything contained in this Regulation, the Sarpanch or the Upa-Sarpanch shall not preside over a meeting in which a vote of no-confidence is discussed against him, but he shall have the right to speak or otherwise take part in the proceedings of such meeting.

Removal from office.

26. (1) Such authority as may be specified by notification by the Administrator may, after giving due notice to the Panchayat and after such inquiry as such authority thinks fit, remove from office any member (including the Sarpanch or Upa-Sarpanch) of a Panchayat who has been guilty of misconduct or neglect of duty or persistent remissness in the discharge of his duties; and the member so removed shall not be eligible for re-election during the remainder of the term of the Panchayat.

(2) Any person who has been removed from his office by the authority referred to in sub-section (1) may, within thirty days from the date of the order, prefer an appeal to the Administrator who may, after giving the appellant an opportunity of being heard, modify, set aside or confirm the order of removal.

(3) The order of removal passed by the authority referred to in sub-section (1) shall not take effect before the period during which an appeal may be preferred under sub-section (2) has expired.

(4) An order passed by the Administrator on appeal shall be final.

(5) Where an appeal has been filed under sub-section (2), the Administrator may stay the operation of the order of the authority referred to in sub-section (1) till the appeal is disposed of.

Casual vacancy.

27. Any casual vacancy in the office of the Sarpanch or the Upa-Sarpanch shall be filled for the remainder of his term by election in accordance with the provisions of this Regulation.

Officers and employees of the Panchayat.

28. (*1*) The Administrator shall appoint a Secretary for every Panchayat.

(*2*) The Panchayat may appoint such other officers and employees and in such number as may from time to time be necessary:

Provided that it shall not create any post not already provided for in the budget except with the previous approval of the Administrator.

Meetings of Panchayat.

29. (*1*) The time and place of meetings of a Panchayat and the procedure at such meetings shall be such as may be prescribed.

(*2*) A member of a Panchayat may, at any meeting, move any resolution and put questions to the Sarpanch or the Upa-Sarpanch on matters connected with the administration of the Panchayat in the manner prescribed.

(*3*) No resolution of a Panchayat shall be modified, amended varied or cancelled by the Panchayat within a period of three months from the date of passing thereof except by a resolution supported by two-thirds of the total number of members of the Panchayat.

Committees.

30. (*1*) Subject to such rules as may be made in this behalf, a Panchayat may appoint from among its members a Finance, Administration and General Committee, a Social Services Committee, a Production Committee and such other Committees for the efficient discharge of its duties as may be considered necessary.

(*2*) A Panchayat may temporarily associate with any Committee one or two persons, not being members of the Panchayat, who have special experience and knowledge of any subject dealt with by a Committee and any such person shall have the right to take part in the discussions of the Committee but shall not have the right to vote, and shall not be a member for any other purpose.

Proceedings not to be invalid.

31. No act or proceeding of a Panchayat or of any Committee thereof shall be deemed to be invalid by reason only of the existence of any vacancy in, or defect in the constitution of, the Panchayat or the Committee or of any informality in its proceedings.

CHAPTER III

POWERS, DUTIES AND FUNCTIONS OF A PANCHAYAT

Duties and functions.

32. (*1*) It shall be the duty of every Panchayat so far as its Fund may allow to make reasonable provision within its jurisdiction in regard to the matters specified in the Second Schedule.

(2) A Panchayat may also make provision for carrying out within the area comprised within its jurisdiction any other work or measure which is likely to promote the health, safety, education, comfort, convenience or social or economic well-being of the residents of the area.

Control of Panchayat on certain properties.

33. (1) The Panchayat, in respect of all roads, streets, bridges, culverts and other properties placed by the Administrator under sub-section (1) of section 39 under its direction, management and control, may do all things necessary for the maintenance and repair thereof, and in particular, may—

(a) widen, open, enlarge or otherwise improve any such road, bridge or culvert and plant and preserve trees on the sides of such roads,

(b) deepen or otherwise improve any watercourse and other property mentioned in clause (c) of sub-section (1) of section 39, and

(c) cut any hedge or branch of any tree projecting on any such public road or street.

(2) The Panchayat shall also have control of all roads, streets, waterways, bridges and culverts which are situated within its jurisdiction, not being private property or not being property for the time being under the control of the Government and may do all things necessary for the improvement, maintenance and repair thereof, and in particular, may—

(a) lay out and make new roads, and

(b) construct new bridges and culverts.

Transfer of any work or institution to Panchayat.

34. The Administrator may entrust to the Panchayat, the execution, maintenance or repair of any work or the management of any institution on behalf of the Government or any local authority :

Provided that the funds necessary for the execution, maintenance or repair of the work or the management of the institution shall be placed at the disposal of the Panchayat by the Government or such local authority.

Village volunteer force.

35. (1) Subject to the rules made under this Regulation, a Panchayat may organise a village volunteer force consisting of able-bodies males residing in the village who are between the ages of 21 and 40 and who are willing to join the force and place such force under the command of a suitable person.

(2) The services of the village volunteer force may be utilised for general watch and ward purposes and in cases of emergency like fire, floods, out-break of epidemics or any other natural calamity.

(3) No member of the force shall be held liable for damages on account of any act done by him in the *bona fide* discharge of his duties as a member of such force.

Execution of contracts.

36. Every contract or agreement entered into by a Panchayat shall be in writing and shall be signed by the Sarpanch or, in his absence, by the Upa-Sarpanch, and by one other member of the Panchayat and sealed with the common seal of the Panchayat.

CHAPTER IV

FINANCE, PROPERTY AND ACCOUNTS

Panchayat Fund.

37. (1) There shall be a Panchayat Fund for each Panchayat and the same shall be utilised for carrying out the duties and obligations imposed upon the Panchayat by this Regulation.

(2) The following shall be credited to and form part of the Panchayat Fund, namely :—

(a) the proceeds of any tax or fee imposed under this Regulation and of any tax or fee imposed under any other law and transferred to the Fund;

(b) the grants or contributions made by the Government or any local authority or person;

(c) the income from securities in which the Panchayat Fund is invested;

(d) all sums received by way of loans or gifts;

(e) the income from or proceeds of any property of the Panchayat;

(f) the sale proceeds of all dust, dirt, dung or refuse collected by the employees of the Panchayat;

(g) sums assigned to the Panchayat Fund by any general or special order of the Government;

(h) all sums received in aid of or for expenditure on any institution or service, maintained or financed from the Panchayat Fund or managed by the Panchayat.

(3) The amount in the Panchayat Fund shall be applied subject to the provisions and for the purposes of this Regulation and shall be kept in such custody as may be prescribed.

Grants.

38. The Administrator may, subject to such conditions as he may deem fit, make grants to a Panchayat for general purposes or for the improvement of the area within its jurisdiction and the welfare of the residents therein.

Properties placed under the direction, management and control of the Panchayat.

39. (*1*) The Administrator may, if he deems fit, place all or any of the properties, of the nature specified below, and situated within the jurisdiction of a Panchayat under the direction, management and control of the Panchayat, namely :—

(*a*) open sites, waste, vacant and grazing lands, not being private property, and river beds;

(*b*) public roads and streets;

(*c*) public channels, water courses, wells, ponds, tanks (except irrigation tanks under the control of the Government), public springs, reservoirs, cisterns, fountains, aqueducts and any adjacent land (not being private property) appertaining thereto;

(*d*) public sewers, drains, drainage works, tunnels and culverts and things appertaining thereto and other conservancy works;

(*e*) sewage, rubbish and offensive matter deposited on streets or collected by the Panchayat from streets, latrines, urinals, sewers, cesspool and other places; and

(*f*) public lamps, lamp posts and apparatus connected therewith or appertaining thereto.

(*2*) All markets and fairs or such portion thereof as are held upon public land shall be managed and regulated by the Panchayat and the Panchayat shall receive to the credit of the Panchayat Fund all dues levied or imposed in respect thereof.

Taxes which may be imposed.

40. (*1*) Subject to the rules made under this Regulation, a Panchayat may levy—

(*a*) a tax on the owners or occupiers of buildings;

(*b*) a tax on vehicles (other than mechanically propelled vehicles) kept within the jurisdiction of the Panchayat;

(*c*) a lighting tax;

(*d*) a drainage tax;

(*e*) a pilgrim tax;

(*f*) a tax on professions, trades, callings and employments;

(*g*) an entertainment tax;

(*h*) octroi;

(*i*) fees for sale of goods in markets, melas, fairs and festivals;

(*j*) fee for grazing of cattle in grazing lands under the management of the Panchayat;

(*k*) fees on cart-stands, tonga-stands and other public parking places;

(*l*) fee for providing the watch and ward of crops in the village; and

(*m*) licence fee for plying of public ferry.

(*2*) The taxes and fees referred to in sub-section (*1*) shall be imposed, assessed and realised in such manner and at such times as may be prescribed.

Appeal against levy of tax, etc.

41. Any person aggrieved by the assessment, levy or imposition of any tax or fee may appeal to the prescribed authority within thirty days of the date of the order imposing such tax or fee.

Suspension of levy of tax or fee.

42. The Administrator may, by notification, suspend the levy or imposition of any tax or fee and may at any time in like manner rescind such suspension.

Lease of markets, etc.

43. It shall be lawful for a Panchayat to lease by public auction or private contract the collection of any fee on markets and bazaars if any such fee is imposed under section 40:

Provided that a lessee shall give security for the due fulfilment of the conditions of the lease or contract.

Recovery of taxes and other duties.

44. (*1*) When any tax or fee or other sum due to a Panchayat has become payable, the Panchayat shall, with the least practicable delay, cause to be sent to the person liable for the payment thereof a demand notice in the prescribed form for the amount due from him and require him to pay the amount within thirty days from the date of such notice.

(*2*) Every notice of demand under sub-section (*1*) shall be served in such manner as may be prescribed.

(*3*) If the sum for which a notice of demand has been served is not paid within thirty days from the date of such notice, such sum shall be recoverable as an arrear of land revenue.

Accounts.

45. Every Panchayat shall maintain accounts of its receipts and expenditure in such form as may be prescribed.

Annual estimate of expenditure.

46. (*1*) The Sarpanch shall prepare annually, on or before such date and in such form as may be prescribed, a budget estimate of the income and expenditure of the Panchayat for the next financial year.

(*2*) The Panchayat shall, as soon thereafter as may be, consider the budget estimate and approve the same without any modification or with such modifications or changes as it may consider necessary.

(3) A copy of the budget estimate shall be forwarded without delay to the prescribed authority but not later than the 1st March.

(4) No expenditure shall be incurred by a Panchayat unless it is included in the budget estimate which has been approved by the Panchayat.

(5) A Panchayat may, at any time during the year for which annual budget estimate has been approved, cause a revised or supplementary budget estimate to be prepared which shall be considered and approved by the Panchayat in the same manner as an original budget estimate:

Provided that a copy of the revised or supplementary budget estimate shall be forwarded to the prescribed authority within such time as may be prescribed.

Audit

47. (1) The accounts of every Panchayat shall be audited annually in such manner as may be prescribed.

(2) The audit shall be carried out by such officer as the Administrator may appoint in this behalf, and that officer shall, within one month of the completion of the audit, forward copies of the audit report to the prescribed authority and the Panchayat.

(3) The prescribed authority may, after considering the report and after making such further inquiry as it may consider necessary, disallow any item which appears to it contrary to law and surcharge the same on the person making or authorising the illegal payment, and shall—

(*a*) if such person is a member of the Panchayat, proceed against him in the manner specified in sub-sections (2) and (3) of section 52; and

(*b*) if such person is not a member of the Panchayat, obtain the explanation of the person and direct such person to pay to the Panchayat the amount surcharged within a specified period; and if the amount is not paid within the specified period, the prescribed authority shall cause it to be recovered as an arrear of land revenue and credited to the Panchayat Fund.

(4) Any person aggrieved by an order of the prescribed authority under sub-section (3) may, within thirty days of the date of the order, prefer an appeal to the Administrator whose decision on such appeal shall be final.

Administration Report.

48. (*1*) Every Panchayat shall submit annually to the prescribed authority a report on the administration of the Panchayat during the previous year.

(2) The report shall be prepared by the Sarpanch and after it is approved by the Panchayat shall be forwarded to the prescribed authority with a copy of the resolution of the Panchayat thereon.

CHAPTER V

CONTROL OF PANCHAYATS

Power to call for Proceedings.

49. Any officer authorised by the Administrator (in this Chapter and in Chapter VI referred to as 'the authorised Officer') shall have power—

(*a*) to call for—

(*i*) any extract from the proceedings of a Panchayat, or any book, record, correspondence or document in the possession or under the control of a Panchayat ; or

(*ii*) any return, plan, estimate, statement, account or report,

for the purpose of inspection or examination; and

(*b*) to require a Panchayat to take into consideration—

(*i*) any objection which appears to the said officer to exist to the doing of anything which is about to be done or is being done by such Panchayat ; or

(*ii*) any information which the said officer is able to furnish and which appears to him to necessitate the doing of a certain thing by the Panchayat,

and to make a written reply to him, within a reasonable time, stating its reasons for not desisting from doing or for not doing such things.

Default in performance of duty by Panchayats.

50. If, at any time, it appears to the authorised officer that a Panchayat has made wilful and persistent default in the performance of any duty imposed on it by this Regulation, he may, by order in writing, fix a period for the performance of that duty and if the duty is not performed within the period so fixed, the authorised officer may appoint any person to perform it and direct that the expenses of the performance of the duty shall be paid by the defaulting Panchayat within such period as he may think fit.

Suspension of execution of order or resolution of Panchayat.

51. (*1*) If, in the opinion of the authorised officer, the execution of any order or resolution of a Panchayat or the doing of anything which is about to be done or is being done by or on behalf of a Panchayat is causing or is likely to cause injury or annoyance to the public or to lead to a breach of the peace or is unlawful, he may, by order in writing, suspend the execution or prohibit the doing thereof.

(*2*) When the authorised officer makes an order under sub-section (*1*), he shall forthwith send to the Panchayat affected thereby a copy of the order together with a statement of the reasons for making it.

(*3*) The authorised officer shall forthwith submit to such authority as may be specified by notification by the Administrator a report of the circumstances in which the order was made under this section and that authority may, after giving notice to the Panchayat and making such inquiry as that authority deems fit, rescind, modify or confirm the order.

Liability of members for loss, waste, or misapplication.

52. (*1*) Every member of a Panchayat shall be personally liable for the loss, waste or misapplication of any money or other property of the Panchayat to which he has been a party or which has been caused or facilitated by his misconduct or wilful neglect of his duty as a member amounting to fraud.

(*2*) If, after giving the member concerned a reasonable opportunity for showing cause to the contrary, the authorised officer is satisfied that the loss, waste or misapplication of any money or other property of the Panchayat is a direct consequence of misconduct or wilful neglect on the part of such member, he shall, by order in writing, direct such member to pay to the Panchayat before a fixed date, the amount required to reimburse it for such loss, waste or misapplication :

Provided that no such order shall be made for *bona fide* or technical irregularities or mistakes of a member.

(*3*) If the amount is not so paid, the authorised officer shall recover it as an arrear of land revenue and credit it to the Panchayat Fund.

(*4*) An order of the authorised officer shall be subject to an appeal to such authority as the Administrator may by notification specify, if made within thirty days of the date of the order.

Dissolution of Panchayat.

53. (*1*) If, in the opinion of the Administrator, a Panchayat—

(*a*) exceeds or abuses its powers, or

(*b*) is incompetent to perform, or makes wilful and persistent default in the performance of, the duties imposed on it by or under this Regulation or any other law for the time being in force, or

(*c*) persistently disobeys the order of the authorised officer made under sub-section (*1*) of section 51,

the Administrator may, by order published in the Official Gazette, dissolve the Panchayat and direct that it shall be reconstituted in the manner provided in this Regulation.

(*2*) No order under sub-section (*1*) shall be passed by the Administrator without giving to the Panchayat a reasonable opportunity to render an explanation.

(*3*) When a Panchayat is dissolved under sub-section (*1*),—

(*a*) all the members of the Panchayat shall, from the date specified in the order, cease to be members ;

(*b*) all powers and duties of the Panchayat shall, during the period of dissolution of the Panchayat, be exercised and performed by such person or persons as the Administrator may appoint in this behalf.

Disputes between Panchayats.

54. If any dispute arises between two or more Panchayats, it shall be referred to the Administrator, and his decision thereon shall be final.

Administrator may call for proceedings.

55. The Administrator may call for and examine the record of the proceedings of any officer or Panchayat for the purpose of satisfying himself as to the legality or propriety of any order passed and may revise or modify the order as he may deem fit.

CHAPTER VI

MISCELLANEOUS

Power of ntry.

56. The authorised officer may authorise any of his officers to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any Panchayat or any work in progress under its direction.

Bar of action against Panchayat, etc. and previous notice before institution.

57. (*1*) No suit or prosecution shall be entertained against any member, officer, employee or agent of a Panchayat in respect of anything which is in good faith done or intended to be done under this Regulation or any rule or bye-law made thereunder.

(*2*) No suit or other legal proceeding shall be instituted against any Panchayat or any member, officer, employee or agent of such Panchayat for anything done or purporting to be done under this Regulation or any rule or bye-law made thereunder until the expiration of two months next after notice in writing has been left or delivered at the office of the Panchayat and also at the residence of the member, officer, employee or agent thereof against whom such suit or proceeding is intended to be instituted, and the notice shall state the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of abode of the person who intends to institute the suit or proceeding.

(*3*) Every suit or proceeding referred to in sub-section (*2*) shall be instituted within six months after the accrual of the cause of action and not afterwards.

Members, etc. of Panchayat to be public servants.

58. Every member of a Panchayat and every officer and employee maintained by or employed under a Panchayat shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Members to refrain from taking part at sales.

59. No member of a Panchayat and no officer or other employee having any duty to perform in connection with any sale under this Regulation shall directly or indirectly bid for, or acquire any interest in, any property sold at such sale.

Delegation of powers.

60. The Administrator may, by notification and subject to such restrictions and conditions as may be specified therein, authorise the Collector, Dadra and Nagar Haveli, or any other officer subordinate to the Administrator to exercise in respect of Panchayats any of the powers which may be exercised by the Administrator under this Regulation except the power to make rules under section 66 and the power to frame bye-laws under section 67.

Powers and duties of police in respect of offences and assistance to Panchayats.

61. Every police officer shall give immediate information to the Panchayat of an offence coming to his knowledge which has been committed against this Regulation or any rules or regulations made thereunder and shall assist all members and employees of the Panchayat in the exercise of their lawful authority.

Classification and preservation of records.

62. Every Panchayat shall classify and preserve its records in the manner prescribed.

Inspection and copies of record.

63. Every Panchayat shall, on application made to it by any person interested, allow inspection of its records, and grant certified copies thereof on payment of the prescribed fee.

Effect of other laws.

64. The provisions of this Regulation shall have effect notwithstanding anything inconsistent therewith contained in any other law in force in the Union territory of Dadra and Nagar Haveli.

Removal of difficulties.

65. If any difficulty arises in giving effect to the provisions of this Regulation, the Administrator may, by order, make such provision as may appear to him to be necessary or expedient for removing the difficulty.

Power to make rules.

66. (*1*) The Administrator may, by notification, make rules to carry out the purposes of this Regulation.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(*a*) the meetings of the Gram Sabha and notice of such meetings;

(*b*) the preparation and publication of electoral rolls and the conduct of elections to the Panchayat;

(*c*) the form of application disputing elections and the procedure for holding inquiry into election disputes;

(*d*) the conduct of meetings of Panchayats and the procedure for moving resolutions and putting questions at meetings of Panchayats;

(*e*) the appointment, powers, duties and conditions of service of the officers and employees of a Panchayat;

(*f*) the appointment of committees and their powers and functions;

(*g*) the form of notices to be issued and the manner of their service;

(*h*) the organisation of the village volunteer force and the fee that may be levied for watch and ward services;

(*i*) the manner of holding inquiries;

(*j*) the manner of filing appeals and hearing of such appeals;

(*k*) the custody and investment of the Panchayat Fund;

(*l*) the imposition and assessment of taxes and the realisation of taxes, fees and other dues;

(*m*) the form of demand notices and the manner of their service;

(*n*) the form of accounts to be maintained by Panchayats and of the annual budget estimates;

(*o*) the manner of audit of the accounts of Panchayats;

(*p*) the fees for licences granted under this Regulation;

(*q*) the fees to be levied by Panchayats for copies of documents and the procedure to be followed in furnishing such copies;

(*r*) any other matter which has to be or may be prescribed.

Power to make bye-laws.

67. (*1*) Subject to the provisions of this Regulation and the rules made thereunder, the Administrator may frame bye-laws—

(*a*) to prohibit the removal or use of water for drinking purposes from any source which is likely to cause danger to health;

(*b*) to prohibit or regulate the discharge of water from any drain or premises on a public street or into a river, pond, tank, well or any other place;

(*c*) to prevent damage to public streets;

(*d*) to regulate sanitation, conservancy and drainage in the area within the jurisdiction of the Panchayat;

(*e*) to prohibit or regulate the use of public streets or other public places by shop-keepers;

(*f*) to regulate the manner in which tanks, ponds and cesspools, pasture lands, play-grounds, manure pits, land for disposal of dead bodies and bathing places shall be maintained and used; and

(*g*) to regulate any other duties or functions of a Panchayat.

(*2*) Any bye-law made under sub-section (*1*) may provide that a contravention thereof shall be punishable with fine which may extend to rupees ten and in the case of a continuing contravention, with fine which may extend to rupees two for each day during which the contravention continues.

Existing Panchayats to be deemed to be Panchayats constituted under this Regulation.

68. Notwithstanding anything contained in this Regulation, the Panchayats in existence in the Union territory of Dadra and Nagar Haveli immediately before the commencement of this Regulation shall be deemed to be Panchayats duly constituted under this Regulation and the provisions of this Regulation shall apply accordingly

in relation to those Panchayats except that it shall not be necessary for any such Panchayat to have at least one member who shall be a woman.

Amendment of Act 35 of 1961.

69. In the Dadra and Nagar Haveli Act, 1961, in clause (*d*) of section 2, the words "and as reconstituted from time to time in accordance with law" shall be inserted at the end.

THE FIRST SCHEDULE

FORM OF OATH OF OFFICE

(*See* section 23)

I,....., having been elected a member of.....Panchayat, do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will duly and faithfully to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour or affection or ill-will.

THE SECOND SCHEDULE

MATTERS WITHIN THE JURISDICTION OF PANCHAYATS

(*See* section 32)

I.—SANITATION AND PUBLIC HEALTH

(1) Sanitation and conservancy.

(2) Removal of rubbish and keeping the area of the village in clean condition.

(3) Supply of water for domestic use.

(4) Construction of hospitals and dispensaries.

(5) Maternity and child welfare.

(6) Establishment of health institutions for poor children.

(7) Family planning.

(8) Provision, maintenance and regulation of burning and burial grounds.

(9) Regulation by licensing or otherwise of tea, coffee and milk shops and other shops where eatables are served.

(10) Construction and maintenance of public latrines.

(11) Regulating, checking and abating of offensive or dangerous trade or practice.

II.—PUBLIC WORKS

(1) Construction, repair and maintenance of village roads, drains, bridges, etc.

(2) Lighting of village and planting of trees.

(3) Establishment and maintenance of markets, slaughter houses and other works of public utility.

(4) Establishment, maintenance and regulation of fairs.

(5) Construction, maintenance and control of tonga-stands, cart-stands, bathing and washing ghats and cattle pounds.

(6) Extension of village sites and the regulation of buildings and housing schemes in accordance with such principles as may be prescribed.

III.—PLANNING AND DEVELOPMENT

Preparation and implementation of plans for the development of the village, including the development of agriculture, animal husbandry, fisheries, village industries and co-operatives and especially:—

(*a*) production and distribution of improved seeds, manure and fertilizers;

(*b*) promoting the use of improved agricultural implements and making such implements easily available;

(c) minor irrigation, construction and maintenance of field channels, lift irrigation, digging of wells and tanks, etc.;

(d) raising, preservation and improvement of village forests, pastures and orchards;

(*e*) improvement of cattle and cattle breeding and general care of live-stock;

(*f*) providing for organisation, management and development of cottage and small-scale industries especially on a co-operative basis;

(*g*) promotion of co-operative farming.

IV.—ADMINISTRATION

(1) Administration of common property.

(2) Registration of births, deaths and marriages in such manner and in such form as may be prescribed.

(3) Numbering of premises.

(4) Preparation, maintenance and upkeep of Panchayat records.

V.—SOCIAL WELFARE

(1) Relief to the crippled and the destitute.

(2) Construction of low rent houses for families with yearly income below one thousand rupees.

(3) Preventive and relief measures in times of public calamity.

(4) Promotion of moral and social welfare activities and encouraging and assisting voluntary organisations and other agencies engaged in such activities.

VI.—EDUCATION AND CULTURE

(1) Promotion of primary education and assistance in improvement of primary schools.

(2) Establishment and maintenance of parks, clubs, akhadas and other places of recreation for the villagers, including women and children.

(3) Establishment and maintenance of libraries and reading rooms.

S. RADHAKRISHNAN,
President.

R. C. S. SARKAR,
Secy. to the Government of India.

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